CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

September 6, 2012 Agenda Item No. 3

SUBJECT: 441 Old Newport Medical Office Building - (PA2011-056)

Conditional Use Permit No. UP2011-011

APPLICANT: John Bral,

PLANNER: Melinda Whelan, Assistant Planner

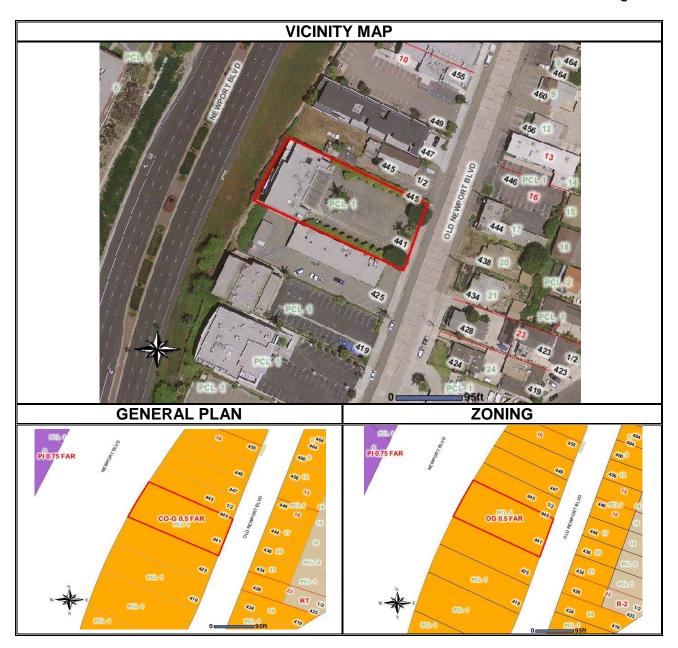
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PROJECT SUMMARY

A request to reduce the required off-street parking and to utilize an off-site parking lot. The project proposes to utilize the recently renovated commercial office building (11,540 square feet) for medical office and to provide 51 of the 56 required parking spaces (a reduction of 5 required spaces). Forty-four spaces would be on-site and seven spaces would be provided on the abutting property to the north at 445 Old Newport Boulevard which is developed with a vacant restaraunt. A parking management plan that includes a valet parking service is proposed for all of the on-site and off-site parking.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ Approving Conditional Use Permit No. UP2011-011 (Attachment No. PC 1).



| LOCATION | GENERAL PLAN | ZONING | CURRENT USE | | | |
|----------|----------------------------------|---------------------|-------------------------|--|--|--|
| ON-SITE | General Commercial office (CO-G) | Office General (OG) | Vacant general office | | | |
| NORTH | CO-G | OG | Vacant restaurant | | | |
| SOUTH | CO-G | OG | Existing Office | | | |
| EAST | CO-G | OG | Existing residential | | | |
| WEST | N/A | N/A | Overlooks Newport Blvd. | | | |

INTRODUCTION

Project Setting

The subject commercial property is located north of Hospital Road on Old Newport Boulevard. The site is approximately 23,080 square feet and is developed with a 11,540-square-foot building formally occupied by general office uses and is currently being renovated. The rear of the property overlooks Newport Boulevard. The property to the north is developed with a vacant restaurant and accessory building. The property to the south is developed with a commercial office building and a freestanding commercial retail building. Directly across Old Newport Boulevard, to the east, is a mix of homes on commercially zoned lots and general commercial and office buildings.

DISCUSSION

Analysis

General Plan

The property is designated with a General Plan land use of General Commercial Office (CO-G) which is intended to provide for administrative, professional, and medical offices with limited accessory and retail uses. The proposed medical office use is consistent with the intent and goals of this designation.

Zoning Code

The property has a Zoning designation of Office General (OG) 0.5 FAR which is intended to provide areas for administrative, professional, and medical offices with limited retail uses. Medical office uses are permitted by-right in this zoning district. With the exception of the required off-street parking, the building complies with the floor area ratio (FAR), height, setbacks and other standards of the Zoning Code.

Reduction of Off-Street Parking

Section 20.40.110, Adjustments to Off-Street Parking Requirements, provides a method for reducing the off-street parking requirements with the approval of a conditional use permit by the Planning Commission and in compliance with the following conditions:

- 1. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available (e.g., City parking lot located nearby, on-street parking available, greater than normal walk in trade, mixed-use development); and
- A parking management plan shall be prepared in compliance with subsection (C) of this section (Parking Management Plan).

Parking Demand

To best understand the actual parking demand, staff reviewed a previous parking demand analysis and monitored the parking demands of similar uses in the area. In 2004, a parking demand analysis was prepared by LSA Associates for a proposed medical office development at 496 Old Newport Boulevard. This project proposed the construction of a 12,500 square-foot medical building and 50 parking spaces, including 5 on-street spaces. The parking analysis supported a parking ratio of 1 space per 250 square feet concluding that the projected demand would be less at 1 space per 255 square feet.

The LSA parking demand analysis for the 496 Old Newport Boulevard project analyzed two nearby sites developed with similar sized medical office buildings located at 415 and 455 Old Newport Boulevard. Table 1 indicates the results of LSA's study. The Peak Parking Demand Results for 415 and 455 Old Newport Boulevard was the highest observed parking count over two days. The peak parking demand for 496 Old Newport Boulevard was determined to be the average of the two Peak Parking Demand Results.

| Table 1 LSA Parking Demand Analysis, 2004 | | | | | | | |
|---|----------------|--------------------------------------|--------------------------------------|--|--|--|--|
| Address Medical Office Parking Spaces Peak Parking Der Provided | | | | | | | |
| | Footage | | | | | | |
| 415 Old Newport Blvd | 11,179 sq. ft. | 58 spaces (including 12 off-site) | 52 spaces 1 space per 215 sq. ft. | | | | |
| 455 Old Newport Blvd | 10,687 sq. ft. | 53 spaces | 33 spaces 1 space per 324 sq. ft. | | | | |
| 496 Old Newport Blvd (projected demand) | 12,500 sq. ft. | 50 spaces (including 5 on-street) | 49 spaces 1 space per 255 sq. ft. | | | | |

Staff confirmed the findings of the 2004 LSA study by conducting parking counts at the 415, 455, and 496 Old Newport Boulevard medical office buildings. Table 2 indicates the results of staff's counts. The Peak Parking Demand Results for each site was determined by observing the parking demand (counting cars) at three different times over two days, then taking the highest of those counts.

As shown, the existing medical office buildings have a lower parking demand than the Zoning Code requirement of 1 space per 200 square feet. The proposed medical office would provide 1 space per 227 square feet (51 spaces) for the 11,540 square-foot medical office building which exceeds the actual peak parking demand found by LSA's study and staff's counts.

| Table 2 Staff Parking Counts, 2012 | | | | | | | |
|------------------------------------|----------------|-------------------------|-------------------------|--|--|--|--|
| Address | Medical Office | Parking Spaces | Peak Parking | | | | |
| | Gross Square | Provided | Demand | | | | |
| 445 011 11 | Footage | 50 | 10 | | | | |
| 415 Old Newport Blvd | 11,179 sq. ft. | 58 spaces | 40 spaces | | | | |
| | | (including | 1 space per 280 sq. ft. | | | | |
| | | 12 off-site) | | | | | |
| 455 Old Newport Blvd | 10,687sq. ft. | 53 spaces | 35 spaces | | | | |
| | | | 1 space per 306 sq. ft. | | | | |
| 496 Old Newport | 11,750. ft. | 47 spaces | 29 spaces | | | | |
| Blvd* | | (including 2 on-street) | 1 space per 406 sq. ft. | | | | |
| Proposed Project | 11,540 sq. ft. | 51 spaces | 51 spaces | | | | |
| | • | (including 7 off-site) | 1 space per 227 sq. ft. | | | | |
| Zoning Code NA | | NA | 1 space per 200 sq. ft. | | | | |
| Requirement | | | • | | | | |

^{*} Project approved and built is less than originally proposed project analyzed by LSA

Parking Management Plan and Off-site Site Parking

To further support the request for a reduction in the required parking, the applicant has provided a parking management plan that utilizes a valet parking service with the goal of using the parking spaces in the most efficient manner possible (Attachment No. PC 3). The plan includes a valet operation that would allow the customers the choice to valet or self-park on-site. If the parking spaces are fully utilized, use of valet would be mandatory. The seven (7) off-site spaces (455 Old Newport Boulevard) would be valet parked only. The applicant has authorization to use 455 Old Newport Boulevard for parking through a private Reciprocal Parking Easement Agreement (Attachment No. PC 4) that essentially allows the office site to use the restaurant site for parking during the day and the restaurant to use office parking in the evening. The agreement runs with the property and is binding upon change in ownership, therefore, the long term availability is expected.

Findings for Approval

Off-site Parking Findings for Approval

Pursuant to Section 20.40.100 B., to approve off-site parking, the Planning Commission shall make the following findings in addition to those required for the approval of a conditional use permit (see following section for conditional use permit findings):

- The parking facility is located within a convenient distance to the use it is intended to serve;
- 2. On-street parking is not being counted towards meeting parking requirements;

- 3. Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area; and
- 4. The parking facility will be permanently available, marked, and maintained for the use it is intended to serve.

The off-site parking located at 445 Old Newport Boulevard is abutting the subject property to the north. The use of on-street parking for the proposed medical use is not proposed. The off-site parking spaces would be "valet only" therefore, customers will not be accessing the off-site parking lot. By using a valet-only service and due to the proximity to the off-site parking, the creation of traffic hazards or negative impacts is not anticipated. The existing Reciprocal Parking Easement Agreement (Attachment No. PC 4) calls for the restaurant site (445 Old Newport Boulevard) to have parking available for the subject office use (441 Old Newport Boulevard) during the office business hours and for the office site to have parking available for the restaurant use during restaurant hours.

To ensure the availability of off-site parking, off-site approvals require the operator to notify the City of a change of ownership or use of the parcel where the off-site spaces are located, or changes in the use that the spaces are intended to serve, or of any termination or default of the agreement between the parties. Upon termination of the agreement the size or capacity of the medical use shall be reduced in proportion to the parking spaces lost or other parking spaces are secured.

Conditional Use Permit Findings for Approval

Pursuant to Section 20.40.100 A. and 20.40.110 B., the Planning Commission may approve or conditionally approve a conditional use permit for these types of parking requests only after first finding all of the following per Section 20.52.20 (Conditional Use Permits):

- 1. The use is consistent with the General Plan and any applicable specific plan;
- 2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code:
- 3. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;
- 4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and
- 5. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or

otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Due to the proximity to Hoag Hospital, medical office buildings are common along Old Newport Boulevard. Medical offices are consistent with the CO-G General Plan land use designation and are allowed by-right within the OG zoning district. The proposed off-site parking is in a convenient location and permanently available as required by Code. Parking demand counts of similar medical office buildings along Old Newport Boulevard suggest that actual parking demand for buildings of this size are less than the Zoning Code requirement. Vehicle circulation, including the valet operation, have been reviewed by the City Traffic Engineer and a final parking management plan including the valet operation plan is required to be approved prior to implementation of the medical use and valet service.

As a safeguard, a condition of approval (Condition No. 4) has been included in the draft resolution requiring a 6-month review of the Conditional Use Permit by the Community Development Director. The review will ensure that an adequate number of spaces are provided and the parking demand does not exceed the supply. The review will also confirm that the use of the off-site spaces is functioning in a safe and acceptable manner.

<u>Summary</u>

In conclusion, the parking analysis provided by LSA and expanded upon by staff provides substantial evidence that these similar type and sized medical office buildings within this area of the City do not demand the parking required by the Zoning Code. With the parking management plan including the valet, the availability of off-site parking spaces, and compliance with the conditions placed upon the use of the site the proposed 51 spaces appears to be sufficient for the proposed medical office use. After a thorough review of the proposal and issues, staff believes the findings can be made and a draft resolution for approval is provided as Attachment No. PC 1.

Alternatives

- The Planning Commission may suggest specific project modifications or operational changes that are necessary to alleviate concerns. If the changes are substantial, the item should be continued to a future meeting to allow redesign of the project.
- 2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission should deny the application and adopt the draft resolution for denial (Attachment No. PC 5).

Environmental Review

The project is categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines, Class 1 (Existing Facilities). The medical use would occupy an existing general office building and utilize existing parking lots with no or neglibile expansion of use.

Public Notice

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by: Submitted by:

Melinda Whelan Assistant Planner

Brenda Wisneski, AICP, Deputy Director

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 LSA Parking Demand Analysis for 496 Old Newport Boulevard Project
- PC 3 Parking Management Plan including Valet Operation Plan
- PC 4 Reciprocal Parking Easement Agreement
- PC 5 Draft Resolution for Denial
- PC 6 Project plans

Attachment No. PC 1

Draft Resolution with Findings and Conditions

RESOLUTION NO. 2012-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING CONDITIONAL USE PERMIT NO. 2011-011 FOR A REDUCTION OF THE OFF-STREET PARKING REQUIREMENT AND TO UTILIZE AN OFF-SITE PARKING LOT FOR AN EXISTING COMMERCIAL OFFICE BUILDING LOCATED AT 441 OLD NEWPORT BOULEVARD (PA2011-056)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by John Bral, with respect to property located at 441 Old Newport Boulevard, and legally described as Parcel 1 of Parcel Map No. 80-719, in the City of Newport Beach, County of Orange, State of California, as shown on a map filed in Book 163, Pages 31 and 32 of Parcel Maps in the office of the Orange County Recorder requesting approval of a conditional use permit.
- 2. The applicant proposes a conditional use permit to reduce the required off-street parking and to utilize an off-site parking lot. The project proposes to utilize the recently renovated commercial office building (11,540 quare feet) for medical office and to provide 51 of the 56 required parking spaces (a reduction of 5 required spaces). Forty-four spaces would be on-site and seven spaces would be provided on the abutting property to the north at 445 Old Newport Boulevard which is developed with a vacant restaurant.
- 3. The subject property is located within the Office General (OG) Zoning District and the General Plan Land Use Element category is General Commercial Office (CO-G).
- 4. The subject property is not located within the coastal zone.
- 5. A public hearing was held on September 6, 2012 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities). The medical use would occupy an existing general office building and utilize existing parking lots with a negligibile expansion of use.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.40.100 B. (Off-Site Parking) of the Newport Beach Municipal Code, the following findings and facts in support of the findings for off-site parking are set forth:

<u>Finding</u>

A. The parking facility is located within a convenient distance to the use it is intended to serve.

Facts in Support of Finding

1. The off-site parking spaces are located within the parking lot immediately to the north of the subject property.

Finding

B. On-street parking is not being counted towards meeting parking requirements;

Facts in Support of Finding

1. The medical office is proposing a total of 51 parking spaces (a reduction of 5 required spaces) including 7 off-site spaces. None of the spaces counted are on-street.

Finding

C. Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area;

Facts in Support of Finding

1. The off-site parking will be exclusively for the valet operation plan. The circulation of the valet operation plan has been reviewed by the City Traffic Engineer. A condition of approval requires that the final valet operation be approved by the City Traffic Engineer and any future changes will require additional review and approval by the City Traffic Engineer.

Finding

D. The parking facility will be permanently available, marked, and maintained for the use it is intended to serve;

Facts in Support of Finding

- 1. There is a recorded Reciprocal Parking Easement Agreement between the subject property and 445 Old Newport Boulevard. This agreement allows reciprocal parking for the medical office use and for the restaurant use, with the office using the parking on the restaurant site during the daytime when the restaurant is closed and the restaurant using the office site at night when the medical office is closed. The restaurant is currently vacant.
- A condition of approval requires review of the parking operation at 6 months from occupancy of medical office building to ensure that an adequate number of spaces are provided and the use of the off-site spaces is operating in a safe and efficient manner.
- 3. A condition of approval requires that the applicant notify the City of any changes to the off-site parking lot such as the re-opening of the restaurant or the implementation of a use with the same hours as the medical office, or a termination or default of the existing Reciprocal Parking Easement Agreement. Upon such notification, the Community Development Director can determine if an alternative location for off-site parking spaces is needed or a reduction of the medical office use in proportion to the parking spaces lost is required.

Pursuant to Section 20.40.100 A. and 20.40.110 B., the Planning Commission may approve or conditionally approve a conditional use permit for these types of parking requests only after first finding all of the following per Section 20.52.20 (Conditional Use Permits):

Finding

E. The use is consistent with the General Plan and any applicable specific plan;

Facts in Support of Finding

1. The property is designated with a General Plan land use of General Commercial Office (CO-G) which is intended to provide for administrative, professional, and medical offices with limited accessory and retail uses. The proposed medical office use is consistent with the intent and goals of this designation.

Finding

F. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.

Facts in Support of Finding

1. The property has a Zoning designation of Office General (OG) which is intended to provide areas for administrative, professional, and medical offices with limited retail uses. The proposed medical office use is consistent with the intent of this designation.

Finding

G. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;

Facts in Support of Finding

- 1. Old Newport Boulevard is developed with a mix of business, medical offices and other similar uses.
- 2. Based on parking counts, three existing medical office buildings along Old Newport Boulevard demonstrate an actual parking demand that is lower than the Zoning Code requirement of 1 space per 200 square feet. The proposed project provides a sufficient number of spaces (51) and the reduction of 5 spaces is warranted.
- 3. The proposed vehicle circulation of the on-site and off-site parking lot at 445 Old Newport Boulevard have been reviewed and approved by the City Traffic Engineer.
- 4. The approved parking management plan, including the valet operation, ensures the circulation and the parking lots function in an efficient and safe manner and meets the City Traffic Engineer recommendations, consistent with City-wide policies.
- 5. The off-site parking spaces will be "valet only" to ensure the use of the off-site parking is properly managed under the approved parking management plan.
- 6. The access to the site and the off-site parking is from Old Newport Boulevard and has been determined to be adequate for the use and is compatible with the other commercial lots in the area.

<u>Finding</u>

H. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and

Facts in Support of Finding

- 1. The on-site parking lot and the portion of the 445 Old Newport Boulevard parking lot have been reviewed for adequate access and circulation for use by employees, patrons and access by emergency vehicles.
- 2. Aisle widths and parking sizes have been reviewed for proper circulation by the City Traffic Engineer and a final review and approval is required prior to occupancy and implementation of the medical use.
- 3. Conditions of approval have been included with this resolution to ensure fire services and utilities are protected in place.

Finding

I. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Facts in Support of Finding

- 1. The use includes a parking management plan with a valet operation for the on-site and off-site parking areas. The circulation of the final parking management plan including the valet operation plan will be approved by the City Traffic Engineer.
- 2. The Community Development Director shall review the parking management plan approximately 6 months from the date of occupancy of the medical office building to ensure the operation is not impacting the surrounding neighborhood, to confirm that the number of parking spaces are sufficient for the parking demand and that the valet operation plan is being implemented in an acceptable manner.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Planning Commission of the City of Newport Beach hereby approves Conditional Use Permit Application No. UP2011-011, subject to the conditions set forth in the draft resolution, which is attached hereto and incorporated by reference.
- 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

| PASSED, APPROVED AND ADOPTED THIS 6 th DAY OF September, 2012. |
|---|
| AYES: |
| NOES: |
| ABSTAIN: |
| ABSENT: |
| |
| BY: Michael Toerge, Chairman |
| BY: Fred Ameri, Secretary |

EXHIBIT "A"

CONDITIONS OF APPROVAL

PLANNING

- 1. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
- 2. The development shall be in substantial conformance with the approved site plan and valet plan stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval).
- 3. A parking management plan, including a final valet operation plan and circulation details of the off-site parking area, requires a final review and approval by the City Traffic Engineer and Community Development Director prior to occupancy of the medical use. Any future changes to this plan would require additional review.
- 4. The Community Development Director shall review of effectiveness of the parking management plan approximately 6 months from the date of occupancy of the medical office building to verify that 51 spaces is an adequate number of parking spaces and the demand doesn't exceed the supply. The review will also evaluate the use of the off-site lot and that the parking management, including the valet operation, is being implemented in an acceptable manner.
- 5. This Use Permit may be modified or revoked by the City Council or the Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
- 6. The applicant is required to obtain all applicable permits from the City Building and Fire Departments. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
- 7. The Community Development Director shall be immediately notified of any change of ownership, use or access to the property where the 7 off-site spaces are located (455 Old Newport Boulevard), or of any termination or default of the existing Reciprocal Easement Parking Agreement between the parties.
- 8. Upon notification that the agreement for the required off-site parking has terminated or access to those spaces is no longer available, the Director shall establish a reasonable time in which one of the following shall occur:
 - a. Substitute parking is provided that is acceptable to the Community Development Director; or

- b. The size or capacity of the medical office use is reduced in proportion to the parking spaces lost.
- 9. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
- 10. Use Permit No. 2011-0111shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.60 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
- 11. Should this business be sold or otherwise come under different ownership, any future owners or assignees shall be notified in writing of the conditions of this approval by the current owner or leasing company.
- 12. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the (Old Newport Medical Office Building) project including, but not limited to, (Use Permit No. 2011-011) and the determination that the project is exempt under the requirements of the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

SIGNAGE

13. New signs or changes to existing signs shall comply with sign regulations required in Zoning Code Section 20.42 (Sign Standards), as well as City Standard 110-L to ensure adequate site distance.

PUBLIC WORKS/UTIILITIES

- 14. All improvements shall be constructed as required by Ordinance and the Public Works Department.
- 15. Reconstruct the existing broken and/or otherwise damaged concrete sidewalk panels and curb & gutter along the Old Newport Boulevard frontage.

- 16. All existing drainage facilities in the public right-of-way, including the existing curb drains along Old Newport Boulevard frontage shall be retrofitted to comply with the City's on-site non-storm runoff retention requirements.
- 17. An encroachment permit is required for all work activities within the public right-of-way.
- 18. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way could be required at the discretion of the Public Works Inspector.
- 19. All on-site drainage shall comply with the latest City Water Quality requirements.
- 20. Parking spaces and drive aisles shall be per City Standards STD-805-L-A and STD-805-L-B.
- 21. The existing private trees along the Old Newport Boulevard frontage are overgrown into power lines and adjacent property. These trees shall be trimmed back behind the property line at all times or removed.
- 22. The hedge along the North property line is encroaching into the Old Newport Boulevard public right-of-way/sidewalk. This hedge shall be trimmed back behind the property line at all times.
- 23. The applicant is responsible for all upgrades to the City's utilities as required to fulfill the project's demand, if applicable.
- 24. New and existing fire services shall be protected by a University of Southern California approved double check detector assembly and installed per
- 25. New and existing commercial domestic water meter(s) shall be protected by a USC approved reduced pressure backflow assembly and installed per STD-520-L-A.
- 26. Landscaping lines shall be protected by a dedicated USC approved reduced pressure backflow assembly.
- 27. Install new curb, gutter, sidewalk and driveway along 445 Old Newport Boulevard frontage.
- 28. All traffic signage shall comply with the current California Manual of Uniform Traffic Control Devices. All traffic striping shall comply with the current Caltrans standard plans.

Attachment No. PC 2

LSA Parking Demand Analysis for 496 Old Newport Blvd. Project

D to LOS E. If an intersection is operating at LOS E or worse in the baseline condition, project impact occurs when the project-generated traffic increases the ICU by 0.01 or more.

PROPOSED PROJECT

Project Description

The project proposes the removal of the existing land use on the project site and replacement with a 12,500-square-foot medical office building with a 45-space parking structure. The existing on-site land use consists of 1,094 square feet of retail sales, 1,955 square feet of auto repair, and a two-story single-family home. Figure 2 shows the site plan for the proposed project. Access to the project site will be provided via a full-access driveways off Old Newport Boulevard. Peak-hour trips for the existing land uses and the proposed project were generated using trip rates from the Newport Beach Transportation Analysis Model (NBTAM) and the Institute of Transportation Engineers (ITE) *Trip Generation* (7th edition). Vehicle trips associated with the existing land uses were subtracted from the project's trip generation to determine the new peak-hour trips generated by the site. The project trip generation analysis is presented in Table A.

Table A: Project Trip Generation

| | | | | AM | I Peak | Hour | PM | [Peak] | Hour |
|--------------------------------|----------|-------|--------|------|--------|-------|------|----------|-------|
| | Size | Units | ADT_ | In | Out | Total | In | Out | Total |
| Existing Land Use | | | | | | | | • | |
| Retail | 1.094 | TSF | | | | | | | |
| Trip Rates ¹ | | | 45 | 0.60 | 0.50 | 1.10 | 1.90 | 2.00 | 3.90 |
| Trip Generation | , | | 49 | 1 | 1 | 1 | 2 | 2 | 4 |
| Auto Repair | 1.955 | TSF | | | | . ' | · | | |
| Trip Rates ² | | | 20 | 1.91 | 1.03 | 2.94 | 1.69 | 1.69 | 3.38 |
| Trip Generation | | | 39 | 4 | 2 . | 6 | 3 | 3 | 6 |
| Single-Family Residential 1 DU | | | | ŀ | | | | | |
| Trip Rates ³ | | | 11 | 0.20 | 0.70 | 0.90 | 0.70 | 0.40 | 1.10 |
| Trip Generation | | | 11 | 0 | 1 | 1 | 1 | 0 | 1 |
| Existing Trip Generation | | | 99 | 5 | 3 | 8 | 6 | 6 | 11 |
| Proposed Project | | - | | | • | | . , | | |
| Medical Office | 12.500 | TSF | | | | | | | |
| Trip Rates ⁴ | | | - 50 - | 2.40 | 0.60 | 3.00 | 1.50 | 3.50 | 5.00 |
| Project Trip Generation | | | 625 | 30 | 8 | 38 | 19 | 44 | 63 |
| Total Project Trips (Proposed- | -Existin | g) | 526 | 25 | 4 | 30 | 13 | 38 | 51 |

Notes:

ADT-Average Daily Trips

TSF-Thousand Square Feet

DU-Dwelling Unit

General Commercial—NBTAM—Newport Beach ADT and Peak Hour Trip Rate Summary

² Daily trip rate from SANDAG trip rates; Peak hour trip rates from the Institute of Transportation Engineers, Trip Generation, 7th Edition - Automobile Care Center (Land Use Code 942)

³ Res-Low (SFD)-NBTAM-Newport Beach ADT and Peak Hour Trip Rate Summary

⁴ Medical Office-NBTAM-Newport Beach ADT and Peak Hour Trip Rate Summary

contribution would not be considered significant. The intersection of Newport Boulevard/West Coast Highway is forecast to operate with satisfactory levels of service during both peak hours.

ON-SITE CIRCULATION

LSA has evaluated the on-site circulation of the proposed project using the standards set forth in Chapter 20.66 of the City of Newport Beach Zoning Ordinance. As illustrated in the site plan (Figure 2), access to the proposed parking area will be provided off Old Newport Boulevard. The project has been designed such that the first floor of the development is the parking area, with medical offices making up the second floor. A lobby with stairs and elevators is provided along the Old Newport Boulevard frontage.

Newport Beach City Standard STD-805-L-A and STD-805-L-B requires that a standard parking stall be 8'6"x17'. The width of the parking spaces provided in the site plan varies from 8'6" to 9'0". Eighteen-foot-deep parking stalls are provided in the interior and 17-foot-deep parking stalls with a 1-foot overhang are provided around the perimeter of the site. The proposed parking spaces meet or exceed the City's 8'6"x17' standard. However, parking stalls that are located adjacent to a wall, column, or other obstruction should be six inches wider than the standard 8"6". Twenty-four of the parking stalls shown on the site plan do not meet this standard. The site plan should be revised to provide a parking stall with a minimum width of 9 feet and a minimum depth of 18 feet adjacent to all walls, columns, and other obstructions.

The parking lot circulation was analyzed using turn radius templates from the Institute of Transportation Engineers for a medium- and large-sized passenger car. The turning template analysis is illustrated in Figures 12 and 13. One area of concern is the dead-end drive aisle east of the lobby. The site plan provides an extra five-foot buffer at the end of this aisle to assist vehicles maneuvering into or out of the parking stalls adjacent to the dead-end. Using the turning templates, it was found that a medium-sized passenger car would experience little difficulty entering or exiting these parking stalls. However, a large passenger car, such as a large sport utility vehicle, would be required to make several maneuvers to back out of these parking stalls. To minimize the number of parking maneuvers into and out of the parking stalls at the "dead-end" area, these stalls could be reserved for physicians or employees, thereby providing the more easily accessible parking stalls for patients and visitors.

The trash enclosure will be accessed from inside the parking area. According to the applicant, the trash collector will use a pickup truck with a forklift attachment to remove the trash dumpsters from the enclosure. The parking area will not need to accommodate any vehicle larger than the large-sized passenger car. As a result, turning and maneuvering area on the site plan is forecast to be adequate.

PARKING DEMAND ANALYSIS

The project will provide 50 parking spaces, including 5 on-street parking spaces. The Planning Department has requested that a parking demand analysis be conducted to document the actual parking demand that might be experienced by the project and to determine whether 50 parking spaces will be adequate to meet the forecasted demand. Parking accumulation surveys were conducted at two similar sites, 415 Old Newport Boulevard and 455 Old Newport Boulevard. The parking

accumulation surveys were conducted by Southland Car Counters on Wednesday, January 7, and Thursday, January 8, 2004, between 7:00 a.m. and 7:00 p.m. Table E provides the results of the parking survey.

Table E: Parking Accumulation Survey Results

| Canada de la casa de l | 415 Old Newport Boulevard | | | | | | 455 Old Newport Boulevard | | | | | |
|--|---------------------------|------|-------|---|-----|-------|---------------------------|------|-------|--|-----|-------|
| | Wed 1/7/04 | | | Thurs 1/8/04 | | | Wed 1/7/04 | | | Thurs 1/8/04 | | |
| | H/C | REG | Total | H/C | REG | Total | H/C | REG | Total | H/C | REG | Total |
| 7:00 AM | . 0 | 5 | - 5 | 0 | 7 | 7 | 0 | . 7 | 7 | 0 | 12 | 12 |
| 30 AM | 0 | 5 | . 5 | 0 | 8 | 8 | 0 | 10 | 10 | 0 | 13 | 13 |
| 8:00 AM | 0 | 12 | . 12 | 0 | 11 | 11 | 0 | 16 | 16 | 0. | 16 | . 16 |
| 30 AM | 0 | 14 | 14 | 0 | 9 | 9 | 0 | 16 | 16 | 0 | 18 | 18 |
| 9:00 AM | 0 | 21 | 21 | 0 | 18 | 18 | 1 | 20 | 21 | 0 | 23 | 23 |
| 30 AM | 1 | 26 | 27 | 0 | 23 | - 23 | 0 | 23 | 23 | 0 | 23 | 23 |
| 10:00 AM | 1 | 33 | 34 | 1 | 25 | 26 | 1 | 25 | 26 | 0 | 27 | 27 |
| 30 AM. | 2 | . 38 | 40 | 1 | 29 | 30 | 2 | 26 | 28 | 1 | 27 | 28 |
| 11:00 AM | 2 | 35 | 37 | 0 | 28 | 28 | 2 | 25 | 27 | 2 | 29 | 31 |
| 30 AM | 2 | 29 | 31 | 1 | 26 | 27 | 1 | 26 | 27 | 1 | 27 | 28 |
| 12:00 NOON | 2 | 29 | 31 | 2 | 23 | 25 | 1 | 24 | 25 | 2 | 29 | 31 |
| 30 PM | 2 | 26 | 28 | 2 | 23 | 25 | 0 | 23 | 23 | 2 | 30 | 32 |
| 1:00 PM | 2 | 21 | 23 | 0 | 26 | 26 | 0 | 21 | 21 | 3 | 30 | 33 |
| 30 PM | 2 | .27 | 29 | 0 | 24 | 24 | 1 | 22 | 23 | 3 | 29 | 32 |
| 2:00 PM | 1 | 29 | 30 | 0 | 25 | 25 | 11 | 24 | 25 | 2 · | 27 | 29 |
| 30 PM | 1 | 27 | 28 | 0 | 29 | 29 | 1 | 24 | 25 | 0 | 23 | 23 |
| 3:00 PM | 0 - | - 27 | 27 | 0 | 30 | 30 | 1 . | 20 : | 21 | 0 | 23 | 23 |
| 30 PM | 1 | 21 | 22 | 2 | 31 | 33 | 1 | 18 | 19 | 1 | 23 | 24 |
| 4:00 PM | 0 | 20 | 20 | 0 | 31 | 31 | 1 | .14 | 15 | 1 . | 18 | 19 |
| 30 PM | 0 | 18 | 18 | 0 | 32 | 32 | 1 | 11 | 12 | _ 1 | 15 | 16 |
| 5:00 PM | 0. | 18 | 18 | 0 | 27 | 27 | 1 | 9 | 10 | 0 | 10 | 10 |
| 30 PM | 0 | 12 | 12 | 0 | 21 | 21 | 1. | 9. | 10 | 0 | 9 | 9 |
| 6:00 PM | 0 | 7 | . 7 | 0 | 14 | 14 | 0 | 5 | 5 | 0 | 7 | 7 |
| 30 PM | 0 | 6 | 6 | 0 | 8 | 8 | 0 | 5 | 5 | . 0 | 7 | 7 |
| 7:00 PM | 0 | 6 | . 6 | 0 | 8 | 8 | 0 | 4 | 4 | 0 | 5 | 5 |
| Off-Site Spaces | 0 | 12 | *12 | 0 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 |
| Peak Demand | | | 52 | 00 cm | | 45 | | | 28 | 4 مندست می می است. مارون می است این | | 33 |

H/C-Handicapped Parking REG-Regular Parking

The 415 Old Newport Boulevard site consists of a 11,179-square-foot medical office building with 46 on-site parking spaces. In addition, 12 off-site spaces are used for employee parking. For purposes of this analysis, it is assumed that the 12 off-site spaces are fully occupied during business hours, and 12 spaces are added to the peak observed parking demand.

The 455 Old Newport Boulevard site consists of a 14,087-square-foot building, of which 10,687 square feet is medical office. The City has requested that this site be included in the parking study, and all parked vehicles be attributed to the 10,687 square feet of medical office use. There are 53 on-site parking spaces at the 455 Old Newport Boulevard site.

As shown in Table E, the highest observed parking demand at 415 Old Newport Boulevard was 52 vehicles on Wednesday and 45 vehicles on Thursday. Based on these results, LSA calculated the parking rate for the existing medical office building based on the existing square feet. Application of the peak parking demand of 52 spaces to the 11,179-square-foot medical office building results in an observed existing parking demand of 4.65 spaces per thousand square feet. The highest observed parking demand at 455 Old Newport Boulevard was 28 spaces on Wednesday and 33 spaces on Thursday. Application of the peak parking demand of 33 spaces to the 10,687-square-foot medical office use results in an observed existing parking demand of 3.09 spaces per thousand square feet.

To determine the peak parking demand of the proposed project, LSA averaged the two observed parking rates and applied the average observed parking rate of 3.87 spaces per thousand square feet to the proposed 12,500-square-foot medical office building, resulting in a forecast demand of 49 spaces. Based on this result, the parking demand is forecast to be less than the 50 spaces proposed for the project. As a result, adequate on-site parking has been provided in the project site plan.

CONCLUSIONS

Off-Site Circulation

Potential impacts to the surrounding intersections were analyzed using the methodology required by the City of Newport Beach Traffic Phasing Ordinance. The project is forecast to contribute one percent or more to the traffic volume at two intersections: Newport Boulevard/Hospital Road and Newport Boulevard/Coast Highway. Baseline and plus project level of service analyses were conducted for these two intersections for the existing plus background and existing plus background plus cumulative projects scenarios. Based on these analyses, the project is not forecast to create a significant traffic impact at either intersection.

Circulation/Parking Improvements On-Site

LSA has evaluated the on-site circulation of the proposed project using the standards set forth in Chapter 20.66 of the City of Newport Beach Zoning Ordinance. The project meets the requirements for depth of parking stalls; however, 24 parking stalls do not meet the City's requirement for an extra six inches of width next to a wall or obstruction.

The parking lot circulation was analyzed using turn radius templates from the Institute of Transportation Engineers for a medium-and large-sized passenger car. Turning and maneuvering area on the site plan is forecast to be adequate. However, it is recommended that the parking stalls at the

Attachment No. PC 3

Parking Management Plan including Valet Operation Plan



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AUG 22 2012

August 3, 2012

Oceanview Medical Investors, LLC. 441 Old Newport Blvd. Newport Beach, CA 92663

OF NEWPORT BEFORE

Mr. Bral:

After review of the site plan at 441 and 445 Old Newport Blvd, and doing a site check, we have determined that with our service you will have available 51 parking stalls.

As cars come in, they will have the option to self park or valet park – once self parking is full, only valet parking will be available.

Valet parking cars will be parked as follows:

There will be an 18"x24" sign that reads "Complementary Valet Parking Up Ahead" with a stand at the South side entrance. The Valet Parking Kiosk will be placed in the Southeast side of the parking lot by the stairwell (see attached Valet Parking Plan) with a "Complementary Valet Parking" sign. The Valet attendant will guide the customers to the Drop-off zone where they will be dropping off their car.

We will be parking one (1) car in the trash compartment hatched area, which can be removed temporarily when the waste company comes to pick up during business hours. We will accommodate smaller size cars in two areas within the central parking stalls (see attached Valet Parking Plan).

Emergency vehicles will have clear access thru the parking lot access aisles should and emergency occur.

Sincerely,

Jose E. Chicas

President

Logistic Parking, Inc.

Attachment No. PC 4

Reciprocal Agreement

Parking Easement

This Document was electronically recorded by Investors Yorba Linda

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO AND MAIL TAX STATEMENTS TO:

Ocean View Medical Investors LLC 825 S. Barrington Avenue Los Angeles, California 90049-C/O Venture RE GROUP 2601 Hain Street, Suite 560 Irvine CA galdy Atm: John Bial Recorded in Official Records, Orange County
Tom Daly, Clerk-Recorder

39.00

2007000571284 11:52am 09/19/07

Accom-1

Space above line for Recorder's use only

APN NOS. 425-271-12 and 425-271-17

This document is being recorded as an accomodation only and no liability is assumed by investors Title Company as to the validity and effect of this document.

RECIPROCAL EASEMENT AGREEMENT (PARKING) AND RIGHT OF FIRST REFUSAL

THIS RECIPROCAL EASEMENT AGREEMENT AND RIGHT OF FIRST REFUSAL entered into this first (1st) day of July, 2005, by and between Ocean View Medical Investors LLC, a California limited liability company ("Ocean View") and Sidney Soffer, an individual ("Soffer"). The intent of the parties is to create a reciprocal easement for the benefit of both parties.

EXPLANATION OF THE INTENT OF THIS RECIPROCAL AGREEMENT

In order for Ocean View to enjoy full use of its property, it is necessary to convert the present "office" spaces to "Medical Offices". Because of the Newport Beach Code Requirements pertaining to parking that were revised for Medical Offices that took place and became effective during Ocean View's Escrow period for the purchase of property "B", Ocean View now has insufficient parking for the conversion from "Offices" to "Medical Offices". Soffer's property "A" has sufficient "legal" parking for Sid's Restaurant but insufficient parking from a practical standpoint. In the past, parcel "B" had sufficient required parking for its daytime hours of operation and the offices were closed at night and therefore did not use its parking except for the daytime hours. Soffer, on the other hand, had little need for additional daytime parking but had a great need for additional nighttime parking. Soffer's patrons, in most cases without owner's permission, used the empty parking spaces of parcel "B" and also the parking spaces across the

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street as well as the available on street parking on Old Newport. To accommodate the additional parking requirements for Ocean View's conversion to "Medical Offices", Ocean View has proposed through this agreement to have the use for parking the additional required vehicles on the rear of Soffer's "A" lot during the daytime hours. In exchange, Ocean View offers the nighttime use of its unused parking for Soffer's use. In addition, Ocean View has offered and proposes through this agreement to pave, provide required lighting and maintain the now unused and undeveloped rear of property "A". Ocean View's proposal is for a period of forty-five (45) years. This will encumber Soffer's property beyond any reasonable foreseeable time, but it has been discussed between Ocean View and Sid Soffer that the best future use for Soffer's "A" property would be to combine it with one of the adjoining properties. The property to the North is completely developed with a new building and has all of the required parking, and although has offered to purchase Soffer's "A" parcel, because of the additional requirement for parking on Ocean View's parcel "B", Ocean View would be the logical purchaser. It is likely, and expected that Soffer would therefore receive more than market value from Ocean View. It is foreseen by Soffer that the additional money above fair market value that Ocean View would pay Soffer should be fair compensation for Soffer's inability to further develop his underdeveloped property during the forty-five-(45) year period that Ocean View proposes.

WITNESSETH:

WHEREAS, Ocean View is the owner of a fee simple estate in that certain parcel of real property located in the County of Orange and State of California more particularly described in Exhibit B attached hereto and incorporated herein (said parcel being hereinafter referred to as "Parcel B"); and

WHEREAS, Soffer is the owner of a fee simple estate in that certain parcel of real property located in the County of Orange and State of California more particularly described in Exhibit A attached hereto and incorporated herein (said parcels being hereinafter referred to as "Parcel A") which Parcel B is adjacent to Parcel A; and

WHEREAS, the parties hereto desire to enter into this Reciprocal Easement Agreement for the joint use of walking, parking, and driving areas in Parcel A and Parcel B, as more particularly shown on the site plan attached hereto as Exhibit C (the "Site Plan") and for the joint rights of access to, and ingress and egress and surface water drainage over and across such areas;

NOW THEREFORE, in consideration of the mutual benefits to be realized by such joint use, the mutual agreements set forth herein the parties hereto do hereby agree as follows:

1. Ocean View does hereby establish, give, grant, and convey to Soffer, his respective successors, successors-in-title, and assigns, and the tenants, customers, employees, and invitees of such parties, a non-exclusive easement appurtenant to Parcel A for passage and use for the purpose of ingress and egress to and from Parcel A over Parcel B, and for the purpose of walking upon and driving and parking vehicles upon and across all those sidewalks, entrances, drives, lanes, and parking areas in Parcel B which are now or may hereafter from time to time be used for pedestrian and vehicular traffic and parking as is not within the building area shown on the Site Plan which non-exclusive easement is limited

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solely to the hours between 7:00 p.m. and 3:00 a.m. each day.

- 2. Soffer does hereby establish, give, grant, and convey to Ocean View, its successors, successors-in-title, and assigns and the tenants, customers, employees, and invitees of such parties, a non-exclusive easement appurtenant to Parcel B for passage and use for the purpose of ingress and egress to and from Parcel B over Parcel A for the purpose of walking upon and driving and parking for twenty-four (24) full-sized vehicles upon and across all those sidewalks, entrances, drives, lanes, repair the wall, and parking areas in Parcel A which are now or may hereafter from time to time be used for pedestrian and vehicular traffic and parking as is not within the building area, if any, shown on the Site Plan and is limited to the rear portion of Parcel A shown on the site plan.
- 3. In connection with the grant of the reciprocal easements contained herein, and in order to make such easements effective for the purposes contained, Ocean View and Soffer do further agree as follows:
 - (a) All buildings constructed on Parcel B shall be constructed entirely within the area shown on the Site Plan as "Building Area -Parcel B." At all times during the term of this Agreement except as long as there is sufficient parking as per City code and regulation without affecting the reciprocal parking number available to both parcels, Parcel B shall contain paved parking spaces for at least 35 full-sized automobiles and passenger trucks, subject to reduction in such number by virtue of condemnation or eminent domain. All driveways and entrance ways on Parcel B which are crosshatched on the Site Plan shall be constructed and maintained by the owner of Parcel B, subject to closings or takings by governmental authorities.
 - (b) All buildings constructed on Parcel A shall be constructed entirely within the area shown on the Site Plan as "Building Area -Parcel A." At all times during the term of this Agreement except as long as there is sufficient parking as per City code and regulation and without affecting the reciprocal parking number available to both parcels, Parcel A shall contain paved parking for at least 24 full sized automobiles and passenger trucks, subject to reduction in such number by virtue of condemnation or eminent domain. All driveways and entranceways on Parcel A which are crosshatched on the Site Plan shall be constructed and maintained by the owner of Parcel A, subject to closings or takings by governmental authorities.
 - (c) No party hereto shall, at any time prior to the termination of the easements herein granted, erect or construct, or cause to be erected or constructed, any fence, wall, curb, or other barrier which would in any manner interfere with or restrict the full and complete use and enjoyment by any party of the easements herein granted provided, however, that either party may construct or maintain a fence, wall, curb or other barrier on the common boundary line between Parcel A and Parcel B so long as there remains other methods of ingress and egress to both Parcel A and Parcel B which will ensure the full and complete use and enjoyment of the easements herein granted.

- (d) Ocean View does hereby agree to pave the rear portion of Parcel A for the purpose of creating additional parking stalls, to be used by Parcel B. To the extent the City requires additional lighting for the rear portion of Parcel A, Ocean View shall pay for the cost of additional lighting.
- 4. Each party hereby grants and conveys to the other party, its successors, successors-intitle, assigns, or tenants, at any time and from time to time during the term of this Agreement, the right, but not the obligation, to enter upon the other party's parcel or parcels for the purpose of constructing, installing, and maintaining the parking lot, driveways, sidewalks, and lighting as more particularly shown on the Site Plan.
- 5. The parking lot, sidewalks, driveways, and lighting located on Parcel A and Parcel B shall be maintained in good order and repair by the respective owners of such Parcels at all times during the term of this Agreement, including striping, snow, ice and trash removal, except for the rear portion of Parcel A, as shown on the Site Plan, to be maintained by the owner of Parcel B. The owner of each of such Parcels shall keep the parking lot located thereon lighted during the hours of business maintained by any tenant or business enterprise located on such Parcel or the other Party's Parcel.
- 6. The restrictions and agreements granted herein shall terminate upon the earlier to occur of (i) January 1, 2050; or (ii) expiration of twelve (12) months after the last day on which Parcel A is used for a commercial building (it being understood that construction of a medical office building shall constitute a commercial office building use) and the entry of a final order by a court of competent jurisdiction that such easements, restrictions, and agreements are no longer necessary for the protection of the respective property owners considering the uses then being made of the respective parcels.
- 7. The easements, restrictions, and agreements provided for herein shall be effective upon execution of this Reciprocal Easement Agreement by the parties hereto. The easements provided for herein shall run with the land and shall constitute a use for reciprocal benefits to and burdens upon Parcel A and Parcel B. The easements provided for herein shall inure to the benefit of and be binding upon the respective successors, successors-in-title, assigns, heirs, and tenants of each party hereto and the customers, employees, and invitees of such parties, and shall remain in full force and effect and shall be unaffected by any change in ownership of Parcel A or Parcel B, or any of them, or by any change of use, demolition, reconstruction, expansion, or other circumstances, except as specified herein. The agreement and undertakings by each party hereto shall be enforceable by action for specific performance, it being agreed by both parties hereto that an action for damages would not be an adequate remedy for a breach of this Reciprocal Easement Agreement.
- 8. This instrument is not intended to, and should not be construed to dedicate the said easement areas to the general public, nor shall this instrument be construed to restrict the use and development of Parcel A or Parcel B, except as stated herein. Without limiting the generality of the foregoing and subject to the limitations contained herein, Ocean View and Soffer shall have the right to expand, alter, modify, or demolish all or part of the buildings

they propose to construct on Parcel A or Parcel B or develop said parcels in any manner they see fit, it being the intent of this instrument to grant reciprocal easements over parking, drives, sidewalks, and common areas as they exist from time to time without limiting the right of Ocean View or Soffer to alter, demolish, or redevelop said areas.

- 9. Soffer shall not sell or agree to sell Parcel A without first offering Parcel A to Ocean View. The word "sell" shall include any transfer, conveyance, assignment of all or any portion of Parcel A. Before Soffer sells or agrees to sell Parcel A, Soffer shall offer (the "First Offer") to sell Parcel A to Ocean View, in writing and on the terms and conditions substantially identical to those proposed for the sale of the Property to a third party. The First Offer shall include all the material terms and conditions contained in that which is being offered in the proposed sale to the third party including, but not limited to, the proposed purchase price (the "Proposed Price"), down payment, timing, and the name of proposed purchaser. Ocean View shall have 60 days from the date of the First Offer ("the Acceptance Period) to accept the First Offer by delivering to Soffer the acceptance on or before 5:00 p.m. on the last day of the Acceptance Period which acceptance shall be at the lesser of the Proposed Price or 115% of the Appraised Price (as hereinafter defined). If Ocean View rejects the First Offer and Soffer enters into negotiations with a third party and is otherwise willing to enter into an agreement with that party on terms substantially less favorable to Soffer than those contained in the First Offer, then Sofffer shall offer to sell Parcel A to Ocean View on those new terms by giving Grantee written notice (the "Second Offer") and Ocean View shall once again have the right to accept or reject as described above. In order to determine the "Appraised Price", within ten (10) days of the making of the First Offer (and the Second Offer, if applicable) Soffer and Ocean View shall each appoint a licensed appraiser with not less than seven (7) years of experience appraising similar properties in the southern California area. The two appointed appraisers shall, within (10) days thereof together choose a third independent appraiser with similar qualifications. appraiser shall, within 20 days of his/her appointment, determine the fair market value of Parcel A and such value shall be the "Appraised Price". Soffer shall also have the right to "put" Parcel A to Ocean View at any time by written demand (the "Put Letter") to Ocean View to purchase Parcel A at a purchase price chosen by Soffer (the "Put Price"). Ocean View then would elect to determine the Appraised Price as described above. Ocean View shall have 60 days from the date of the Put Letter ("the Acceptance Period) to determine the Appraisal Price by delivering to Soffer the acceptance on or before 5:00 p.m. on the last day of the Acceptance Period, which acceptance shall be at the lesser of the Put Price or 115% of the Appraised Price.
- 10. In the event during the duration of this Reciprocal Easement Agreement, the City of Newport Beach revises the parking requirement of 5:1,000 for medical parking to 4:1,000 for medical parking; after confirmation of the City of Newport Beach Parking Requirement as referenced above, Ocean View would submit, in writing, to Soffer notifying Soffer of the change; which at that time, at the option of either party, this Reciprocal Eastment Agreement can be cancelled.
- 11. Upon the written request of the owner of any of the Parcels, the then owner of any Parcel, or any portion thereof, shall execute and deliver, within ten (10) days after receipt of

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such request, a certificate certifying that there are no known defaults on the part of any party to this Agreement or, if there are such defaults, specifying the particulars of such defaults and the action required to remedy it and certifying that there are no setoffs or defenses to the enforcement of the terms of this Agreement, or if there are, specifying the particulars of such setoffs or defenses.

- 11. This Agreement shall be recorded in the public records of Orange County, California and shall be prior in title to any deed of trust which is now or may hereafter be placed upon any of Parcel A and Parcel B.
- 12. The recitals and explanation of the intent in this Agreement are intended solely for reference and do not modify, explain or construe any provision of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Reciprocal Easement Agreement as of the date first above written.

"OCEAN VIEW"

Ocean View Medical Investors LLC, a California limited liability company

Napre: John Bral

Lis: Managing Member

Lila

Sidney Soffer

EXHIBIT "A" PARCEL A

The real property located in the County of Orange, California, commonly known as 445 Newport Boulevard, Newport Beach, described as follows:

PARCEL 1:

Lot 13 and the Southwesterly 3.27 feet of Lot 12 in Block 9 of "Tract No. 27, Boulevard Addition to Newport Heights" in the City of Newport Beach, as shown on a map recorded in book 9, page 26 of Miscellaneous Maps, Records of Orange County, California.

PARCEL 2:

That portion of the Southeasterly half of the 40-foot road adjoining said Lots 12 and 13 on the Northwest, as abandoned by the order of the Board of Supervisors of Orange County on June 25, 1949, bounded Northwesterly by the Northwesterly prolongation of the Northwesterly line of the Southwesterly 3.27 feet of said Lot 12 and bounded Southwesterly by the Northwesterly prolongation of the Southwesterly line of said Lot 13.

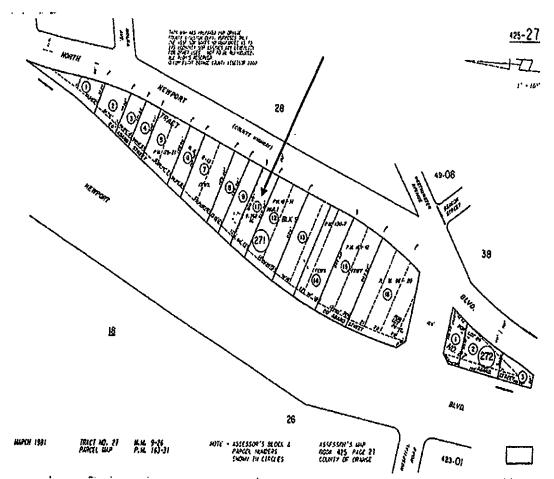


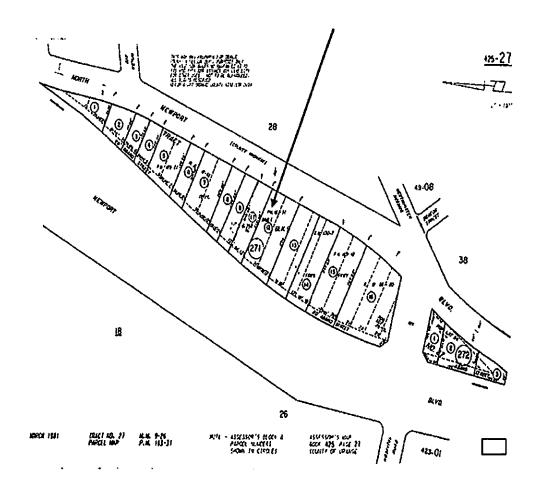


EXHIBIT "B" PARCEL "B"

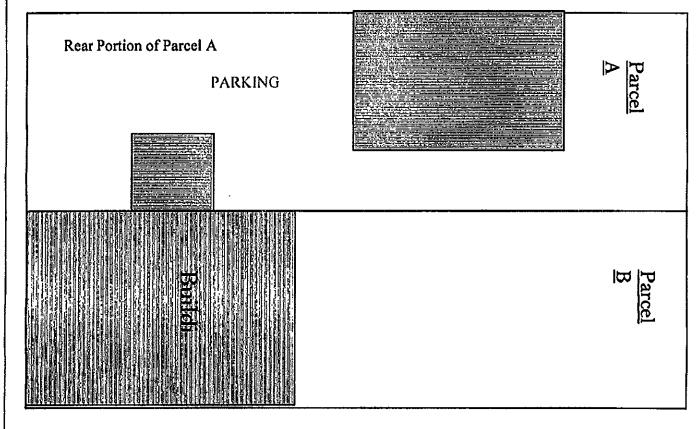
All of that certain real property situated in the City of Newport Beach, County of Orange, State of California, described as follows:

Parcel 1 of Parcel Map No. 80-719, in the City of Newport Beach, County of Orange, State of California, as shown on a map filed in Book 163, Pages 31 and 32 of Parcel Maps, in the Office of the County Recorder of said County.

APN 425-271-12







| STATE OF CALIFORNIA |) |
|--|---|
| COUNTY OF LOS ANGELES |) 9S.) |
| me on the basis of satisfactory evid the within instrument and acknowled the within instrument and acknowledge the within instrument and acknowledge the satisfactory authorized capacity(s) | fore me, a Notary ornia, personally appeared personally known to me (or proved to lence) to be the person(e) whose name(s) is/are subscribed to edged to me that he/she/they executed the same in , and that by his/her/theis signature(s) on the instrument the fof which the person(s) acted, executed the instrument. |
| WITNESS my hand and of | ficial scal. APRIL M. 45 VILLA COMM. SISTEM STORY PLANT CANADA |
| COMMA #1637888 m Notary Public-California US ORANGE COUNTY My Comm. Exp. Dec 23, 2008 | My Came. Exp. Pier 23, 2000 |
| | Notary Public |
| NEVADA STATE OF CALIFORNIA CLARIA COUNTY OF L OS ANGELES |)) ss.) |
| Notary Public in and for the State of S | of California, personally appeared Sidney Lester personally known to me for proved to dence) to be the person(e) whose name(s) is/are subscribed to ledged to me that he/she/they executed the same in |
| his/ber/their authorized capacity(s) | f of which the person(s) acted, executed the instrument. |
| · WITNESS my hand and of | fficial seal. |
| | Notary Public |
| · · · · · · · | NOTARY PUBLIC STATE OF NEVADA County of Clark MIGUEL ORTIZ |

Attachment No. PC 5

Draft Resolution for Denial

RESOLUTION NO. 2012-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH DENYING CONDITIONAL USE PERMIT NO. 2011-011 FOR A REDUCTION OF THE OFF-STREET PARKING REQUIREMENT AND TO UTILIZE AN OFF-SITE PARKING LOT FOR AN EXISTING COMMERCIAL OFFICE BUILDING LOCATED AT 441 OLD NEWPORT BOULEVARD (PA2011-056)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by John Bral, with respect to property located at 441 Old Newport Boulevard, and legally described as Parcel 1 of Parcel Map No. 80-719, in the City of Newport Beach, County of Orange, State of California, as shown on a map filed in Book 163, Pages 31 and 32 of Parcel Maps in the office of the Orange County Recorder requesting approval of a conditional use permit.
- 2. The applicant proposes a conditional use permit to reduce the required off-street parking and to utilize an off-site parking lot. The project proposes to utilize the recently renovated commercial office building (11,540 quare feet) for medical office and to provide 51 of the 56 required parking spaces (a reduction of 5 required spaces). Forty-four spaces would be on-site and seven spaces would be provided on the abutting property to the north at 445 Old Newport Boulevard which is developed with a vacant restaurant.
- 3. The subject property is located within the Office General (OG) Zoning District and the General Plan Land Use Element category is General Commercial Office (CO-G).
- 4. The subject property is not located within the coastal zone.
- 5. A public hearing was held on September 6, 2012 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

Pursuant to Section 20.40.100 B. (Off-Site Parking), Section 20.40.100 A. and 20.40.110 B., the Planning Commission may approve or conditionally approve a conditional use permit for these types of parking requests only after first making all of the findings per Section 20.52.20 (Conditional Use Permits). In this case, the Planning Commission was unable to make the required findings.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Planning Commission of the City of Newport Beach hereby denies Use Permit No. UP201-011.
- 2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 6th DAY OF SEPTEMBER, 2012.

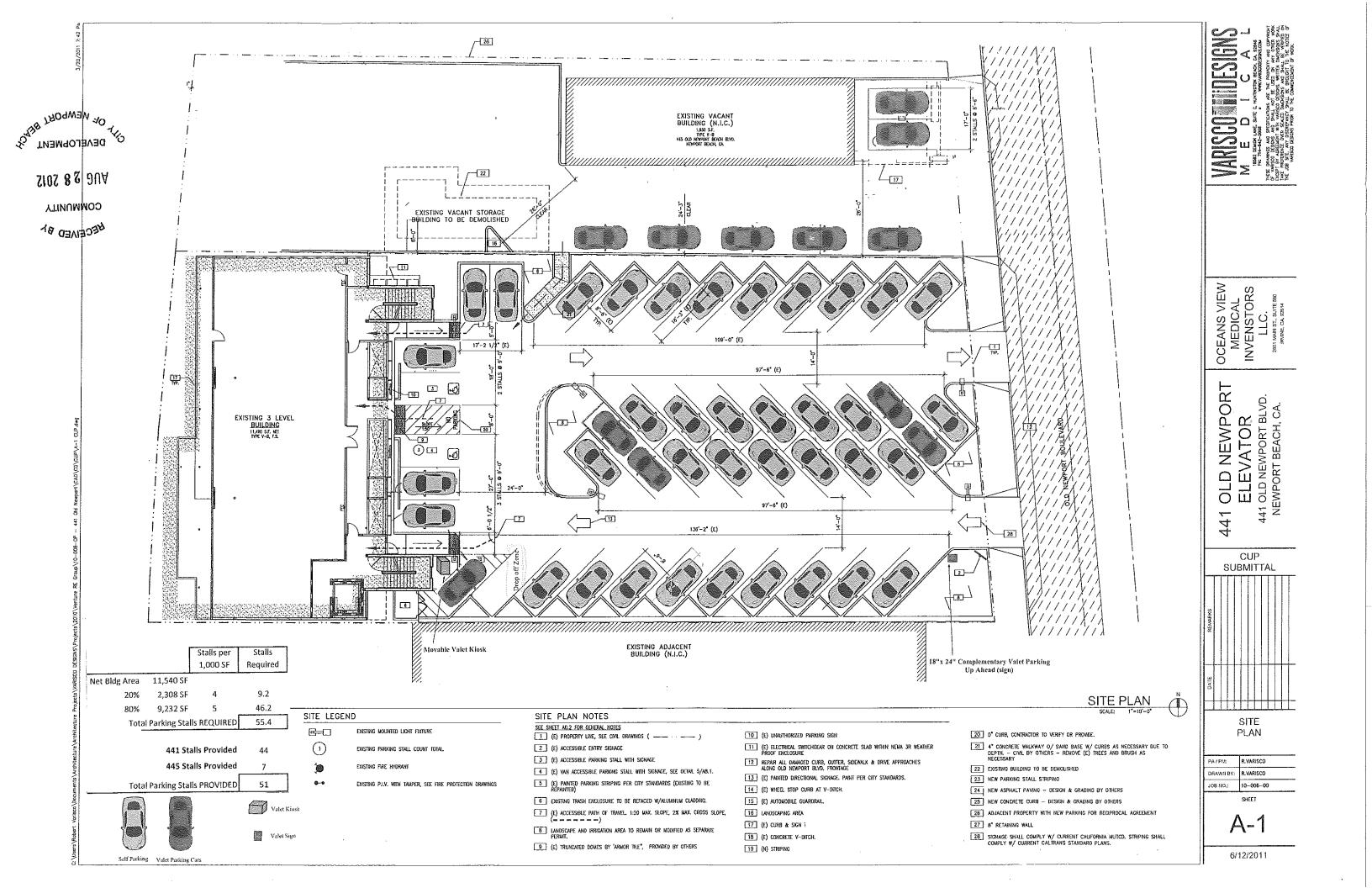
| ATES. |
|--------------------------|
| NOES: |
| ABSTAIN: |
| ABSENT: |
| BY: |
| Michael Toerge, Chairman |
| BY: |
| Fred Ameri Secretary |

Tmplt: 12/15/2011

A \ / E O .

Attachment No. PC 6

Plans



ADDITIONAL MATERIALS RECEIVED

Old Newport Medical Office Building

441 Old Newport Boulevard Use Permit No. 2011-011



Planning Commission Public hearing September 6, 2012 STAFF PRESENTATION



Introduction



- Reduce off-street parking requirement and utilize off-site parking lot
 - Existing 23,080 sq. ft. lot developed with a 11,540 sq. ft. commercial office building currently being renovated
 - Medical office with 51 of the 56 required parking spaces, providing 7 on the abutting property at 445 Old Newport Blvd

Vicinity Map





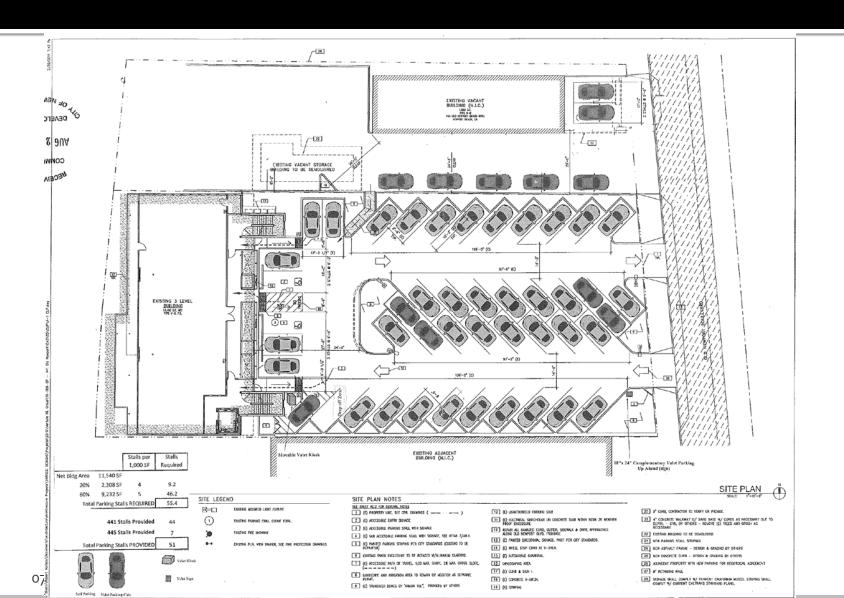
Project Details



- Parking demand of similar offices on Old Newport appears to be less than Zoning Code requirement
- Full valet service available, valet only for off-site lot
- Access and Circulation of on-site and off-site parking approved by City Traffic Engineer

Site Plan





Conditions of Approval



- Ensure 51 parking spaces is adequate and circulation/access of off-site lot and valet operation sufficient for medical use
 - Final valet operation/circulation requires approval by the City Traffic Engineer
 - 6 month review of parking management plan
- Changes to use or access of off-site lot requires additional review with spaces provided elsewhere or use must be reduced

CEQA Review



 Categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines, Class 1 (Existing Facilities)

Recommendation



- Conduct a public hearing
- Adopt draft Resolution Approving Conditional Use Permit No. UP2011-011 subject to the findings and conditions.



For more information contact:

Melinda Whelan 949-644-3221 mwhelan@newportbeachca.gov www.newportbeachca.gov



Richard J. Haskell, M.D., F.A.C.C.
Desmond D. Levin, M.D., F.A.C.C.
Bonnie J. Gainer, M.D., F.A.C.C.
Neala J. Hunter, M.D., F.A.C.C.
Jeffrey Bruss, M.D., F.A.C.C.
Carey L. O'Bryan IV, M.D., F.A.C.C.
Michael Panutich, M.D., F.A.C.C.
Jennifer Jessen, N.P.- C
Jean Carlos, N.P.

415 Old Newport Boulevard • Suite 200 • Newport Beach • California 92663
Phone: (949) 548-9611 • Fax: (949) 548-9958
www.newportheart.com

Item 3a: Additional Materials Received
Planning Commission - September 6, 2012
PA2011-056

September 4, 2012

Community Development Department Planning Division 3300 Newport Boulevard, Building C Newport Beach, Ca 92663

RE: September 6, 2012 Meeting -Agenda Item #3, 441 Old Newport Medical Office Building

Planning Commissioners,

The developers of **441 Old Newport Road** are asking you to allow them to use this building for medical office space although they do not meet the parking requirements for such use. We would ask you to deny this request.

We constructed, own and operate the medical office building at **451 Old Newport Road** and actually decreased the size of that building to fully comply with the city's parking requirements for medical office use. We also own the constructed, own and operate the building at **455 Old Newport Road**. Although we would like to operate that site as purely medical office space, due to the city parking requirements, we are forced to operate with a mix of medical and general office use. In March, 2012 we asked to change the configuration of that limited use, but were still required to maintain the mix of medical and non-medical based on the parking requirements. (Please see the attached letter dated March 28, 2012 signed by Mr. Gregg Ramirez, Senior Planner, City of Newport Beach.)

We ask that you apply the same restrictions to the development at 441 Old Newport that you have applied to our projects. Given the available parking at this site, it should also be required to serve as a mixed use site providing general office space along with the medical office space.

We are also concerned that to achieve even a mixed use at this 441 site, the developer is relying on a valet service and off-site parking to comply with the parking requirements. Even with this complicated and expensive plan they still <u>do not</u> have the adequate number of parking spaces for medical use only.

And we wonder how the city will monitor this valet parking scheme. If the owner decides it is too impractical and expensive to operate and discontinues using it, how will the occupy mix of the building be changed or controlled? This off-site parking is at 445 Old Newport which is a dilapidated, debris strewn area. Vandals have recently broken the windows and we wonder why the city has not condemned this property or at least ordered it fenced to protect the public; not consider it as a viable parking lot.

Melinda Whelan, the city planner on this case recently told me she thinks the parking ratio for medical buildings is too high based on her observations of local properties and suggests this 441 property could approved with a lower ratio. We believe her research is flawed. She observed our 415 building during non-business hours; when our doctors are not seeing patients, the parking lot is understandably not crowded. During business hours all parking spaces are full. The study of our 455 building was non-representative as that building is only 33% occupied. Of course you would have available parking when over half of the building is vacant. The other building she studied at Orange and Old Newport is not fully leased at the time either; once again a reasonable expectation of available parking spaces. When these properties are fully leased, the current parking requirements prove to be necessary. The ratio should not be adjusted for the 441 site.

Granting this application would be unfair to the other businesses in the area that have complied with the city's requirements. And, the only place for the overflow customers at the 441 site to park will be to trespass on the other parking compliant sites in the area.

Thank you,

Richard J. Haskell MD, Sandra Haskell, Desmond Levin MD, Diane Levin

415 & 455 Old Newport Road, Newport Beach, CA 92663 949-548-9611



COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

3300 Newport Boulevard, Building C, Newport Beach, CA 92663 (949) 644-3200 Fax: (949) 644-3229

www.newportbeachea.gov

March 28, 2012

Item 3a: Additional Materials Received
Planning Commission - September 6, 2012
PA2011-056

Sandie Haskell 255 Evening Canyon Road Corona Del Mar, CA 92625

RE: 455 Old Newport Boulevard - Medical Office Space Allocation

Dear Ms. Haskell,

Based on our records, the existing 14,087 square foot (gross) building is allowed to be occupied by a mix of medical and general office uses as follows:

- 10,265 sq. ft. (gross) medical or other uses requiring equal or less parking than 1/200 (gross).
- 3,822 sq. ft. (gross) general office or other uses requiring equal or less parking than 1/250 (net).

This allocation is based on the existing number of parking spaces (57) and the uses that have historically occupied the building. Unoccupied medical office space will not be counted towards the maximum as long as it remains unoccupied. Prior to the issuance of tenant improvements to convert the credit union space to medical office, a signed letter stating the status of the improved medical office space will be required. This status must specify that it is vacant and the area (gross square footage) of the vacant area. Additionally, a business license will not be issued for new tenants over the floor are for medical office as indicated above. The Planning Division will use your letter and future tenant improvement plans to track floor area of existing and future uses.

Sincerely,

Gregg Ramírez, Senior Planner

949-644-3219

gramirez@newportbeachea.gov

To: Subject: Planning Commissioners Additional Materials Received

Additional Materials Received Planning Commission September 6, 2012

Item No. 1a: Draft Minutes of August 23, 2012

Item No. 3b: 441 Old Newport Medical Office Building - PA011-056

----Original message----

From: Jim Mosher <jimmosher@yahoo.com>

To: "Houston, Rob" < RHouston@newportbeachca.gov >

Sent: Thu, Sep 6, 2012 17:54:55 GMT+00:00

Subject: Written comments on Sept. 5, 2012 evening Planning Commission agenda

To whom it may concern:

Regarding the posted packet for the Planning Commission's September 5, 2012 regular evening agenda I have the following observations regarding the two items I've reviewed.

Item 1 ("Minutes of August 23, 2012") --

On page 3, in the first full paragraph under "ITEM NO. 5 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT":

- 1. I suspect "a Zone Code Amendment" was meant read "a ZONING Code Amendment"
- 2. In "the proposed Telecomm ordinance" I believe the customary spelling is "Telecom" with a single "m" as used in the staff report for the afternoon Study Session.

===

Item 3 ("441 Old Newport Medical Office Building (PA2011-056)") --

Comment 1: On page 3 of PC 4, the "Reciprocal Parking Easement Agreement" (p. 29 of the 41 page PDF), the final two lines of Condition 2 appear to say Ocean View Medical Investors is being given the right to park ONLY in the "rear portion" of the Soffer property, which appears to be the currently unpaved area designated on Exhibit C (p. 35 of the staff report). This differs from the plan shown on the last page of the report (p. 41) which also shows 5 cars parallel parked in the paved front area of the Soffer property (that the aerial photo on p. 2 seems to show currently striped for 5 or 6 diagonal spaces).

Comment 2: If the aerial photo is correct and if the vacant restaurant were to reopen in its current configuration, then under the plans shown in the staff report there would appear to be NO paved parking spaces available for the restaurant use during the hours when the proposed medical office is operating at full capacity.

| Comment 3: Although the report says the Parking Management Plan creates no traffic nazards, it appears cars |
|--|
| have to use Old Newport Boulevard to move between the two parking lots. Wouldn't it be better and safer to |
| establish and require an on-property connection through which cars could move without using the public road? |
| |
| === |
| |
| Yours, |
| Tours, |
| |
| Jim Mosher |
| |

RANEY ZUSMAN MEDICAL GROUP

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COLIN I. JOYO, M.D.
JACQUES KPODONU, M.D.
ANTHONY D. CAFFARELLI, M.D.

September 6, 2012

City of Newport Beach Planning Commission City Council Chambers 3300 Newport Boulevard Newport Beach, CA 92663 TELEPHONE (949) 650-3350 FACSIMILE (949) 650-1274

RECEIVED BY

COMMUNITY

SEP 06 2012



RE:

September 6, 2012, Planning Commission Agenda Item # 3 – 441 Old Newport Medical

Office Building (PA2011-056)

Site Location: 441 Old Newport Boulevard

Dear Commissioners:

We respectfully request the Planning Commissioners deny the above referenced application request for a conditional use permit to reduce the required off-street parking and utilize an off-site parking lot. We are requesting a denial based on the following information:

- 1. The staff report indicates that the property at 441 Old Newport Boulevard is 11,540 square feet. However, the owners posted their property "for sale" on an internet website (www.loopnet.com) showing the square footage of the building at 14,953, a discrepancy of 3,413 square feet. Please see exhibit "A". Furthermore, they are advertising the listing as "Medical" office space. Our representative spoke with Melinda Whelan on Tuesday, September 4, 2012. Melinda confirmed that they only have an approved permit for "spec" space not "medical" office space. We believe their square footage needs to be verified by the City of Newport Beach to accurately understand how many parking spaces will be required. If, indeed, the staff report square footage is too low, the parking space requirement could be even greater than what is currently proposed.
- 2. According to the staff report (page 3, Reduction of Off-Street Parking, #1), the applicant provided sufficient data to indicate that the parking demand is less than the required number of spaces, however no parking study was submitted by the applicant. Ms. Whelan said that she traveled to the site and observed parking over a two-day period and that there appeared to be enough parking available. Our representative explained that the observation did not take into consideration the current leasing conditions of the adjacent properties, none of which are leased to capacity at the current time. Also, the observation was not performed at the busiest time-of-day, when parking utilization is highest. We believe the applicant should have provided a valid parking/traffic report, by a certified traffic engineer to the City. The traffic/parking report should take into consideration the

parking requirements if all office buildings are at full capacity, not just the parking conditions on a given day.

- 3. The staff report indicates that the applicant has an agreement to provide seven (7) off-site spaces to be "valet only" parked on the adjacent property at 445 Old Newport Boulevard. The staff report shows a "reciprocal easement agreement" between Ocean View Medical Investors, LLC and Sidney Soffer from July, 2005.
 - a. First, Sidney Soffer, died in 2007 and the property at 445 Old Newport (to be used for off-site parking) is currently in bankruptcy proceedings. We believe that parking easement agreement is no longer valid and enforce as it was filed prior to Mr. Soffer's bankruptcy action. Incidentally, the bankruptcy action was filed by Mr. Soffer, on the morning the property at 445 Old Newport Boulevard was due to be auctioned by the County of Orange. We were at the courthouse that morning to potentially bid on the property.
 - b. We believe it is highly unlikely that the applicant will continue to utilize a valet service, as it is a very expensive parking option. Furthermore, we are concerned that the City of Newport Beach will not be able to adequately monitor whether or not they are using a valet service, thereby placing the burden on the surrounding businesses in the area.
 - c. We firmly believe that our parking lot at 447 Old Newport will be impacted if parking is not available in the lot at 441 Old Newport. Please see exhibit "B".
- 4. The reciprocal easement agreement indicates that "Ocean View now has insufficient parking for the conversion from "Offices" to "Medical Offices". Soffer's property "A" has sufficient "legal" parking for Sid's Restaurant but insufficient parking from a practical standpoint." They mutually agree that they can use each others parking spaces as their usage (day v. evening) does not conflict. The premise of this agreement is contingent on Sid Soffer"s restaurant being a viable active business. And, that it will continue as a restaurant in the future. We have been located adjacent to Sid Soffer's property for the past eight years. It is an abandoned, dilapidated property that was long ago shut down by the health department. We believe there is no chance Mr. Soffer's estate will have the opportunity to re-open this structure as a restaurant. Please see exhibit "C". If this property is sold it will most likely be leveled and re-built as office/medical office space.

As owners of the property at 447 Old Newport Boulevard, we complied with the parking requirements set forth by the City of Newport Beach. We wanted to build out more leasable space but we were restricted from doing so because we could not provide enough on-site parking spaces. We are requesting that the applicant be held to the same requirements for parking as the other businesses in the area.

Thank you for your time.

Best regards,

Aidan A. Raney, M.D. Ann Raney

EXHIBIT "A"

